



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

February 10, 2022

BY ECF

Honorable Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

**Re: *United States v. Joshua Adam Schulte*,
S3 17 Cr. 548 (JMF)**

Dear Judge Furman:

The Government respectfully submits this letter pursuant to the Court's order, dated December 21, 2021 (D.E. 650), directing the parties to submit letters regarding issues to be raised at the conference in this matter scheduled for February 14, 2022. The Government does not believe that a secure courtroom and/or cleared court reporter will be necessary for that conference.

The Government does not have particular issues to raise at the conference. The Court has, however, identified several issues that the Court expects to address.

In a letter dated January 24, 2022, the defendant raised a variety of discovery matters (D.E. 682), and the Court ordered the parties "to discuss these issues during their next meet and confer call," noting that if they were not yet resolved, the Court would address them at the upcoming conference (D.E. 685). The defendant has, however, refused to join any further meet-and-confer calls with the Government.¹ Following the defendant's refusal to join a scheduled call on January

¹ The Court previously denied the defendant's motion to prevent the Government from recording the meet-and-confer calls and ordered the defendant to continue participating in such calls (Dec. 20, 2022 Tr. at 38-40), and subsequently denied the defendant's motion for a stay of that ruling pending appeal (D.E. 666 at 3). The defendant subsequently filed a motion for stay in the Second Circuit, which the Government opposed and is currently pending. (2d. Cir. No. 21-3122, D.E. 16, 39). Although the defendant has indicated his refusal to join further calls, the Government nevertheless on January 10, 2022 informed the defendant and standby counsel by letter that the Government would continue to schedule calls for 1 p.m. on January 20 and 28, 2022, and be available on the line at the appointed time. The defendant did not dial in for either call. By letter on February 1, 2022, the Government informed the defendant that the Government would be available for further calls at 1 p.m. on February 11 and 25, 2022.

28, 2022, the Government responded to the issues raised by the defendant in a letter dated February 1, 2022. The defendant in turn replied by letter dated February 4, 2022, which the Government did not receive until February 7, 2022. The Government believes that the issues raised by the defendant would be most effectively addressed through meet-and-confer discussions between the parties (a belief the Government expressed in its February 1, 2022 letter to the defendant). To the extent that the Court wishes to address the substance of the issues raised by the defendant at the conference, the Government will be prepared to do so.

In an order dated February 7, 2022 (D.E. 699), the Court also indicated that it would entertain any objections by the defendant to the Government's proposed revisions to the protective order entered pursuant to Section 3 of the Classified Information Procedures Act (*see generally* D.E. 670 at 3-7; Exs. 1-2). The Government will be prepared to address at the conference any objections to the Government's proposal raised by the defendant or by standby counsel.

Respectfully submitted,

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United States Attorney

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cc: Standby counsel (by ECF and email)
Joshua Adam Schulte (by mail)